

ENTERED

April 01, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

CALAMONDA TRUST #1,

Debtor.

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CASE NO: 22-30657
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§
CHAPTER 11

ORDER DENYING MOTION TO RECONSIDER DISMISSAL

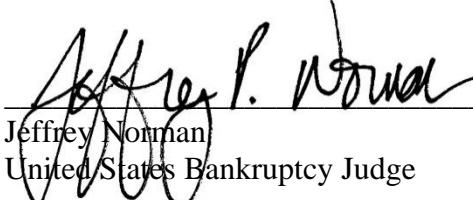
John Fiala, describing himself as both debtor-in-possession and as Trustee, Calamonda Trust #1, has filed an Emergency Motion for Reconsideration (ECF No. 16) requesting that the Court reconsider its order dismissing this case. He states that he was unable to attend the show cause hearing set for March 25, 2022 for two reasons. First, he was unaware of the hearing, as he did not receive the order setting the hearing (ECF No. 5) filed on March 17, 2022. Second, he was unable to attend as he had to unexpectedly travel to California, on March 24, 2022.

The Court notes that the debtor promptly complied with a previous order to pay the filing fee after the case was dismissed on March 16, 2022. That fee was paid on March 17, 2022, and the court immediately vacated the dismissal order, and set the case for a show cause hearing as the debtor filed this case pro se.¹ Therefore, there is no reason to believe that notice of the order vacating the dismissal and setting the hearing was not received in time for the debtor to be aware of the hearing or file a response.

Furthermore, the U.S. Trustee filed a response requesting the case be dismissed with a bar to refiling as the debtor failed to act through counsel, failed to file a mailing matrix and failed to file the list of twenty largest creditors (ECF No. 9). The debtor has not remedied any of these failures.

THEREFORE, IT IS ORDERED that the emergency motion for reconsideration is **DENIED**.

SIGNED 04/01/2022



Jeffrey P. Norman
United States Bankruptcy Judge

¹ ECF No. 5.